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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,143	12/07/2001	Hugues Cheron	111393	8069
25944	7590	02/05/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			NEGRON, ISMAEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/005,143

Applicant(s)

CHERON ET AL.

Examiner

Ismael Negron

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-10.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: Note the attached Detailed Action.

DETAILED ACTION

Response to Amendment

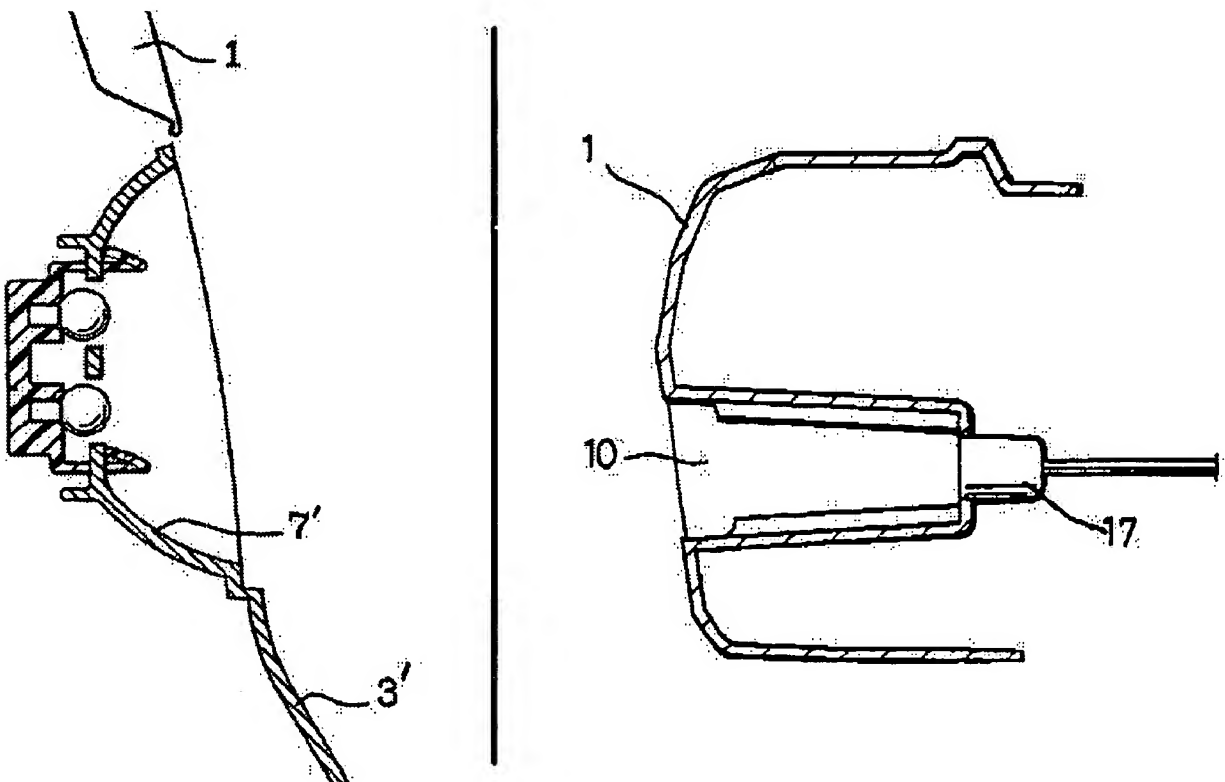
1. Applicant's amendment filed on January 2, 2004 has not been entered. Claims 1-10 are still pending in this application, with claims 1 and 10 being independent.

Response to Arguments

2. Applicant's arguments filed January 2, 2004 have been fully considered but they are not persuasive.
3. Regarding the Examiner's rejection of claims 1 and 10 under 35 U.S.C. 103(a) as unpatentable over Haneda et al. (U.S. Pat. 4,996,634) in view of Suzuki (U.S. Pat. 4,809,144), the applicant argues that the cited reference fails to disclose all the features of the claimed invention, specifically the bumper skin forming at least a portion of at least one of the component elements of the light unit.
4. Haneda et al. discloses a vehicle bumper having a bumper shell 1 and a light unit 10. The bumper shell 1 is equivalent to the claimed bumper skin, while light unit 10 is equivalent to the claimed light unit.
5. Applicant argues that the from the light unit 10 is a separate element mechanically fastened to the bumper shell 1, based on Haneda et al. use of the word "attached" to refer to the relationship between both elements. Such "attached" language can be found in column 3, lines 18-19 and 32-33.
6. The Examiner's position is that the light unit 10 and bumper shell 1 are a single integral element (e.g. molded integrally during the manufacturing process). Evidence of

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such integral relationship can be found in Figure 3 where a continuous cross-hatching pattern (diagonal lines indicating the area that has been theoretically cut) is shown from bumper shell 1 to light unit 10 without any boundary between the two elements. When two separate elements are shown against each other drawing conventions mandate the use of a different cross-hatching pattern (e.g. opposite inclination of the diagonal lines, different thickness of line style, etc.). In fact, applicant's own Figure 3 shows the same drawing convention between the bumper 3' and the reflector 7' to indicate that both elements form an integral body.



Applicant's Figure 3 (left) and Haneda et al. Figure 3. Elements considered not relevant to the issues have been removed from both figures for clarity.

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7. Regarding the word "attached", Merriam Webster's Collegiate Dictionary (tenth edition) defines such word as "permanently fixed". The Oxford American Dictionary (revised edition) defines the same word as "connected, fastened, affixed, joined".

Considering the cited definitions of "attached", the disclosure of Haneda et al. is at best ambiguous, using language that could mean that the patented light unit 10 is mechanically fastened to the bumper shell 1, or that both the bumper shell 1 and the light unit 10 are merely different parts of the same element.

However, such ambiguity is removed by Figure 3.

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Conclusion

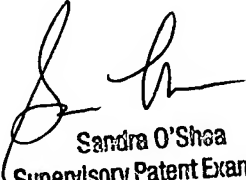
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negrón whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

SW
Inr

January 29, 2004


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800